

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUMMARY SUIT NO.3724 OF 2004

Jet Airways (I) Pvt. Ltd. .. Plaintiff.

Versus

Phoenix Travel Service

Private Limited & Ors. .. Defendants.

Ms.Vishakha Vaswani for the plaintiff.

None for the defendants.

CORAM : Dr.D.Y.CHANDRACHUD, J.

17TH APRIL, 2007.

P.C.:

. The claim in the Summary Suit under Order 37 of the Code of Civil Procedure, 1908 arises out of a written contract, namely, a Passenger Sales Agency Agreement. Under the agreement, remittances were required to be made by the defendant to the plaintiff on account of sales of tickets after deducting agency commission. The amount due

and payable has been quantified in the particulars of claim (Exh."F" to the plaint) after giving due credit for payments made by the defendants. The defendants have not entered appearance despite service of the writ of summons.

. The plaintiff has tendered a compilation of original documents on which the suit is founded. The claim of the plaintiff is duly proved. Even otherwise, the defendant having failed to enter appearance, the plaintiff would be entitled to a decree under Order 37. The suit shall accordingly decreed in terms of prayer clauses (a) and (b) with the modification that the plaintiff would be entitled to interest @ 9% p.a. on the principal sum claimed in Exh."F" being the particulars of the claim from the respective due dates of payments until the date of the suit and from the date of the suit until payment or realisation.